



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

ELP
Docket No. 4407-00
27 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 8 April 1997 for four years at age 18. The record reflects that you served without incident until 8 December 1997 when you were hospitalized for four days for apparently cutting your wrists. It was noted that you had been an unauthorized absentee, drinking and using marijuana. You were diagnosed with an adjustment disorder with depressed mood and a history of an oppositional defiant disorder. It was noted that you were not motivated for military service and desired to be discharged. Consideration for administrative separation was recommended.

On 16 December 1997, you were seen in the mental health clinic for a follow-up evaluation and were diagnosed with a borderline personality disorder, not otherwise specified, and marijuana and alcohol abuse. The examining psychiatrist opined that your ability to function in the naval environment was significantly impaired by your personality disorder and that you were a continuing risk for harm to yourself and others if retained.

On 20 January 1998, you were notified that you were being considered for administrative separation by reason of convenience of the government due to a diagnosed personality disorder. You were advised of your procedural rights and that the least favorable characterization of discharge, if approved, would be under honorable conditions. You declined to submit a statement in your own behalf and waived the right to have your case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed a general discharge by reason of convenience of the government due to a diagnosed personality disorder. You were so discharged on 9 February 1998 and assigned an RE-4 reenlistment code.

Regulations authorize the assignment of an RE-4 reenlistment code to individuals discharged by reason of personality disorder and who are not recommended for retention. The Board noted your contentions to the effect that upon return from a three week UA, you went to see the base chaplain. You claimed that your cat had scratched your right wrist and you used this to say you were suicidal, hoping to avoid nonjudicial punishment (NJP) and accepting responsibility for your actions. You note that you were taken to nonjudicial punishment (NJP) anyway and were awarded 22 days of restriction. However, the disclosed NJP is not on file in the records made available for the Board's review. You have provided no medical evidence that the Navy's diagnosis of a personality disorder was erroneous or invalid. The Board concluded, since you presented a potential risk for harm to yourself or others if retained, there was sufficient justification to warrant a non-recommendation for retention and assignment of an RE-4 reenlistment code. The Board thus concluded that the reenlistment code was proper and no change is warranted.

The Board did not consider the characterization of your discharge since you have not exhausted your administrative remedies by first petitioning the Naval Discharge Review Board. That board is authorized to change both the reason for discharge and the characterization of discharge. However, it cannot change a reenlistment code. Enclosed is a DD Form 293 used to apply to that board.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure